



General Assembly

January Session, 2015

Committee Bill No. 73

LCO No. 5335



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING MEDICAL RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-7c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) For purposes of this section, "clinical laboratory" has the same
4 meaning as provided in section 19a-30. "Clinical laboratory" does not
5 include any state laboratory established by the Department of Public
6 Health pursuant to section 19a-26 or 19a-29.

7 (b) Except as provided for in subsection [(e)] (i) of this section, a
8 provider shall (1) supply to a patient upon request complete and
9 current information possessed by that provider concerning any
10 diagnosis, treatment and prognosis of the patient, and (2) notify a
11 patient of any test results in the provider's possession or requested by
12 the provider for the purposes of diagnosis, treatment or prognosis of
13 such patient. In addition, upon the request of a patient or a provider
14 who orders medical tests on behalf of a patient, a clinical laboratory
15 shall provide medical test results relating to the patient to (A) the
16 patient, or (B) any other provider who is treating the patient for the

17 purposes of diagnosis, treatment or prognosis of such patient.

18 (c) A provider, who requests that his or her patient submit to
19 repeated medical testing at regular intervals, over a specified period of
20 time, for purposes of ascertaining a diagnosis, prognosis or
21 recommended course of treatment for such patient, may issue a single
22 authorization that allows the entity that conducts such medical testing,
23 including, but not limited to, a clinical laboratory, to directly
24 communicate the results of such testing to the patient for the period of
25 time that such testing is requested by the provider.

26 (d) [Upon] Except as provided in subsection (i) of this section, upon
27 a written request of a patient, a patient's attorney or authorized
28 representative, or pursuant to a written authorization, a provider,
29 except as provided in section 4-194, shall furnish to the person making
30 such request a copy of the patient's health record, including but not
31 limited to, bills, x-rays and copies of laboratory reports, contact lens
32 specifications based on examinations and final contact lens fittings
33 given within the preceding [three months] three-month period or such
34 longer period of time as determined by the provider but no longer
35 than [six months] a six-month period, records of prescriptions and
36 other technical information used in assessing the patient's health
37 condition.

38 (e) No provider shall refuse to return to a patient original records or
39 copies of records that the patient has brought to the provider from
40 another provider. When returning records to a patient, a provider may
41 retain copies of such records for the provider's file, provided such
42 provider does not charge the patient for the costs incurred in copying
43 such records.

44 (f) No provider shall charge more than (1) sixty-five cents per page,
45 [including any research fees, handling fees or related costs, and the
46 cost of first class postage, if applicable, for furnishing a health record
47 pursuant to this subsection, except such provider may charge a
48 patient] and (2) twenty dollars for research and handling fees for

49 furnishing a health record, or any part thereof, pursuant to this
50 subsection, except no research and handling fee shall be charged for
51 furnishing a copy of a health record to a patient. Except as otherwise
52 provided in this section, a provider may charge a patient or other
53 person (A) for the cost of first class postage for furnishing a copy of a
54 health record pursuant to this section, (B) the amount necessary to
55 cover the cost of materials for furnishing a copy of an x-ray, [provided
56 no such] and (C) a certification fee of not more than ten dollars, if
57 certification of the health record is requested. No charge shall be made
58 for furnishing a copy of a health record, or part thereof, to a patient, a
59 patient's attorney or authorized representative if the health record [or
60 part thereof] is necessary for the purpose of supporting a claim or
61 appeal under any provision of the Social Security Act and the request
62 is accompanied by documentation of the claim or appeal. A person
63 who is the recipient of a health record furnished by a provider
64 pursuant to a subpoena or court order, shall be responsible for
65 payment to such provider in accordance with the provisions of this
66 subsection, except as otherwise provided by court order.

67 (g) A provider shall furnish a health record requested pursuant to
68 this section [within] not later than thirty days [of] after the request.

69 (h) No health care provider, who has purchased or assumed the
70 practice of a provider who is retiring or deceased, may refuse to return
71 original records or copied records to a patient who decides not to seek
72 care from the successor provider. When returning records to a patient
73 who has decided not to seek care from a successor provider, such
74 successor provider may not charge a patient for costs incurred in
75 copying the records of the retired or deceased provider.

76 [(e)] (i) If a provider reasonably determines that the information is
77 detrimental to the physical or mental health of the patient, or is likely
78 to cause the patient to harm himself, herself or another, the provider
79 may withhold the information from the patient. The information may
80 be supplied to an appropriate third party or to another provider who

81 may release the information to the patient. If disclosure of information
82 is refused by a provider under this subsection, any person aggrieved
83 thereby may, [within] not later than thirty days [of] after such refusal,
84 petition the superior court for the judicial district in which such person
85 resides for an order requiring the provider to disclose the information.
86 Such a proceeding shall be privileged with respect to assignment for
87 trial. The court, after hearing and an in camera review of the
88 information in question, shall issue the order requested unless it
89 determines that such disclosure would be detrimental to the physical
90 or mental health of the person or is likely to cause the person to harm
91 himself, herself or another.

92 [(f)] (j) The provisions of this section shall not apply to any
93 information relative to any psychiatric or psychological [problems or
94 conditions] illness or condition.

95 [(g)] (k) In the event that a provider abandons his or her practice,
96 the Commissioner of Public Health may appoint a licensed health care
97 provider to be the keeper of the records. [, who] The keeper of the
98 records shall be responsible for disbursing the original health records
99 to the provider's patients, upon the request of any such patient.

100 [(h)] (l) The Commissioner of Public Health shall adopt regulations,
101 in accordance with the provisions of chapter 54, to carry out the
102 provisions of this section.

103 Sec. 2. Section 19a-490b of the general statutes is repealed and the
104 following is substituted in lieu thereof (*Effective October 1, 2015*):

105 (a) Upon the written request of a patient or the patient's attorney or
106 authorized representative, or pursuant to a written authorization, an
107 institution licensed pursuant to this chapter shall furnish to the person
108 making such request a copy of the patient's health record, including
109 but not limited to, copies of bills, laboratory reports, prescriptions and
110 other technical information used in assessing the patient's health
111 condition. In addition, an institution shall provide the patient or the

112 patient's designated health care provider with a reasonable
113 opportunity to examine retained tissue slides and retained pathology
114 tissue blocks. Upon the written request of the patient, the patient's
115 attorney or the patient's designated health care provider, an institution
116 shall send the original retained tissue slide or original retained tissue
117 block directly to the patient's designated licensed institution,
118 laboratory or physician. If the original slide or block is not available or
119 if a new section cut of the original slide or block is a fair representation
120 of the original slide or block, then the institution may send the new
121 section cut, [which] that is clearly labeled as a new section cut, to the
122 patient's designated health care provider. Any patient or [the] a
123 patient's attorney or authorized representative who is provided with
124 an original retained slide, tissue block or a new section under the
125 provisions of this subsection shall be solely responsible for
126 safeguarding and returning the slide, block or new section to the
127 institution. Any institution [or laboratory] that has released an original
128 slide, an original tissue block or new section pursuant to the provisions
129 of this subsection shall not be subject to any liability arising out of
130 releasing or not retaining the slide, block or new section and no cause
131 of action for damages shall arise against any such institution for
132 releasing or not retaining the slide, block or new section. [No such
133 institution shall charge more than sixty-five cents per page, including
134 any research fees, clerical fees, handling fees or related costs, and the
135 cost of first class postage, if applicable, for furnishing or providing
136 access to a health record pursuant to this subsection, except such an
137 institution may charge the amount necessary to cover its cost of
138 materials for furnishing a copy of an x-ray or for furnishing an original
139 retained slide, an original tissue block or a new section cut from a
140 retained pathology tissue block.] An institution shall furnish a copy of
141 a patient's health record to the patient or the patient's attorney or
142 authorized representative making a written request for such health
143 record not later than thirty days after the date of the request, except
144 when such request is made less than thirty days after the date of the
145 patient's discharge from the institution, in which case the institution

146 shall furnish the requested health record upon its completion. For
147 purposes of this subsection, "health care provider" means an institution
148 or laboratory licensed under this chapter or licensed in the state where
149 located or a physician licensed under chapter 370 or licensed in the
150 state where located.

151 (b) No institution shall charge more than (1) sixty-five cents per
152 page, and (2) twenty dollars for research and handling fees for
153 furnishing or providing access to a patient's health record, or part
154 thereof, except no research and handling fee shall be charged for
155 furnishing a copy of a health record to a patient. Except as otherwise
156 provided in this section, an institution may charge a patient or other
157 person (A) for the cost of first class postage for furnishing a copy of a
158 health record pursuant to this section, (B) the amount necessary to
159 cover the cost of materials for furnishing a copy of an x-ray or for
160 furnishing an original retained slide, an original tissue block or a new
161 section cut from a retained pathology tissue block, and (C) a
162 certification fee of not more than ten dollars, if certification of the
163 health record is requested. A person who is the recipient of a health
164 record furnished by an institution pursuant to a subpoena or court
165 order shall be responsible for payment to the institution furnishing
166 such health record in accordance with the provisions of this
167 subsection, except as otherwise provided by court order.

168 [(b)] (c) No institution [licensed pursuant to this chapter] shall
169 charge for furnishing a health record, or part thereof, to a patient, [his]
170 the patient's attorney or [conservator] authorized representative if the
171 health record [or part thereof] is necessary for the purpose of
172 supporting a claim or appeal under any provision of the Social
173 Security Act and the request for the health records is accompanied by
174 documentation of the claim or appeal. [An institution shall furnish the
175 requested record within thirty days of the request, unless the request
176 was received in less than thirty days subsequent to the date the patient
177 was discharged, in which case the institution shall furnish the
178 requested record upon its completion.]

179 [(c) Each] (d) An institution [licensed pursuant to this chapter] shall
180 maintain information regarding each patient's status as a veteran, as
181 defined in subsection (a) of section 27-103. Said information shall be
182 made available, upon request, to any duly authorized representative of
183 the Department of Veterans' Affairs.

184 [(d)] (e) No institution may deny a person the records available
185 under subsection (a) of this section because of the person's inability to
186 pay the required fees. An affidavit from such person attesting to an
187 inability to pay such fees shall be presumptive evidence thereof.

188 [(e) Each institution licensed pursuant to this chapter] (f) An
189 institution that ceases to operate shall, at the time it relinquishes its
190 license to the department, provide to the department a certified
191 document specifying: (1) The location at which patient health records
192 will be stored; (2) the procedure that has been established for patients,
193 former patients or their authorized representatives to secure access to
194 such health records; (3) provisions for storage, should the storage
195 location cease to operate or change ownership; and (4) that the
196 department is authorized to enforce the certified document should the
197 storage location cease to operate or change ownership. An institution
198 that fails to comply with the terms of a certified document provided to
199 the department in accordance with this subsection shall be assessed a
200 civil penalty not to exceed one hundred dollars per day for each day of
201 noncompliance with the terms of the certified agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	20-7c
Sec. 2	October 1, 2015	19a-490b

Statement of Purpose:

To make changes to the statutes concerning access to medical records and the fees charged for medical records to conform with changes to the health care industry.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. MARKLEY, 16th Dist.

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